

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

JOSEPH DENNY NEZPERCE, V,

Cause No. CV 22-16-H-SEH

Plaintiffs,

vs.

ORDER

UNITED STATES OF AMERICA;
JANE DOE; JOHN DOES 1–3,

Defendants.

Plaintiff Joseph Denny Nezperce V (“Nezperce”) filed this action on February 28, 2022. He was advised of defects in the pleading.¹ An Amended Complaint was filed.²

Nezperce asserts that an unidentified person fired a gun at him on August 26, 2020, when he was under investigation by federal agents for drug offenses, and that the agents failed to report the shooting or investigate who shot at him.³

¹ Doc. 4 at 1–2; *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam); *Akhtar v. Mesa*, 698 F.3d 1202, 1212 (9th Cir. 2012).

² Doc. 6.


³ Doc. 6 at 4–5.

No facts are alleged which support an inference that any defendants is liable.⁴ No response is required by agents alleged to have failed to act in response to the shooting.⁵ An appeal is unwarranted.⁶

ORDERED:

1. The Amended Complaint⁷ is DISMISSED without leave to amend.
2. The Clerk of Court shall enter, by separate document, a judgment of dismissal with prejudice.
3. The Court CERTIFIES that any appeal of this disposition would not be taken in good faith.

DATED this 21st day of March, 2022.



SAM E. HADDON
United States District Judge

⁴ *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

⁵ *See Deshaney v. Winnebago County Dep't of Soc. Servs.*, 489 U.S. 189, 195–200 (1989).

⁶ Fed. R. App. P. 24(a)(3)(A), (4)(B).

⁷ Doc. 6.